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OFFICE OF PETITIONS

In re Application of
Kevin J. Ryan
Application No. 09/434,082
Filed: November 5, 1999
Attorney Docket No. 303.306US2

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: ON PETITION
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This is a decision on the petition under 37 CFR 1.137(b), filed July 17, 2003, to revive the above-identified application.

The petition is GRANTED.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed September 16, 2002, which set a shortened statutory period for reply of three(3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 17, 2002.

Petitioner submitted a Request for Continued Examination (RCE), without the proper submission on December 23, 2002. Accordingly, the RCE was improper under 37 CFR 1.114. Since a RCE and a proper submission have been filed with the instant petition, the application will be revived solely for purposes of continuity with the RCE filed July 17, 2003.

In view of this decision, the filing fees submitted with the improper RCE on December 23, 2002, is being refunded to petitioner's Deposit Account No. 19-0743.

Telephone inquiries concerning this decision should be directed to Cheryl Gibson-Baylor at (703)308-5111, or in her absence, Sherry D. Brinkley at (703)305-9220.

The application file is being forwarded to Technology Center 2100, Art Unit 2186 for processing the Request for Continued Examination under 37 CFR 1.114, filed on July 17, 2003.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Sherry D. Brinkley
Petitions Examiner